

WAIVER OF THE REQUIREMENTS OF SECTION 142, TITLE  
28, UNITED STATES CODE, FOR THE HOLDING OF COURT  
AT BRYSON CITY, N. C.

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MAY 31, 1956.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. RODINO, from the Committee on the Judiciary, submitted the  
following

R E P O R T

[To accompany H. R. 9137]

The Committee on the Judiciary, to whom was referred the bill (H. R. 9137) to waive section 142, of title 28, United States Code, with respect to the United States District Court for the Western District of North Carolina holding court at Bryson City, N. C., having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the provisions of section 142, title 28, of the United States Code insofar as it pertains to the holding of court by the United States District Court for the Western District of North Carolina at Bryson City, N. C.

GENERAL STATEMENT

Section 113 (c) of title 28 of the United States Code authorizes the United States District Court for the Western District of North Carolina to hold court at Asheville, Bryson City, Charlotte, Shelby, and Statesville. The holding of court at Bryson City was authorized by the act of April 25, 1928, chapter 432, 45 Statute 457. Under that authorization, provision was made that local State facilities would be provided. That condition has existed up to the present time. However, it appears that the facilities of the State court will no longer be available and there are presently no facilities in the Federal building at Bryson City.

The terms of the court at Bryson City are held on the fourth Mondays in May and October. While no separate civil docket is maintained at Bryson City, there is a criminal docket. At the same time, civil trials are handled at Bryson City. Over the past 5 years criminal cases annually have varied from 20 to 63.

Section 142 of title 28 of the United States Code provides that court shall be held only at places where Federal quarters and accommodations are available, or suitable quarters and accommodations are furnished without cost to the United States.

The Committee on the Judiciary has been informed that the General Services Administration is in the process of letting the contracts on the first post office-courthouse combination building to be built under the provisions of Public Law 519 of the 83d Congress. Thus the underlying reason for this bill is to waive the provisions of section 142 of title 28 of the United States Code so that plans for a new post-office building at Bryson City may include suitable accommodations and facilities for the Federal district court. The proposed building will serve a 7-county region with a population of 114,000-odd people.

The Judicial Council of the Fourth Circuit, wherein Bryson City is located, has expressed its approval of the bill.

Attached hereto as a part of this report is the report of the Administrative Office of the United States Courts and of the Department of Justice.

The committee recommends favorable enactment of the bill.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,  
*Washington, D. C., February 20, 1956.*

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,*

*House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN CELLER: The bill about which you inquired of me on February 15, 1956, (H. R. 9137) would waive the requirement of section 142 of title 28 of the United States Code that "court shall be held only at places where Federal quarters and accommodations are available, or suitable quarters and accommodations are furnished without cost to the United States" in reference to the holding of the District Court for the Western District of North Carolina at Bryson City in that State.

Section 113 (c) of title 28 of the United States Code provides that court for that district shall be held at Asheville, Bryson City, Charlotte, Shelby, and Statesville. There are presently no facilities for the court in the Federal building at Bryson City and the State court is not in a position to provide for the needs of the Federal court. The amendment of section 142 of title 28 provided for by the pending bill if enacted will indicate an intent of the Congress that facilities for the court shall be included in a new Federal building, which I understand is under consideration for Bryson City.

In accordance with a standing direction from the Judicial Conference of the United States to consult the judicial council of the circuit about local matters of this nature, I am requesting the advice of the Judicial Council for the Fourth Circuit through its chairman, Chief Judge Parker. After I am informed of the advice of the judicial council I will write you further about the bill.

With kind regards, I am,

Sincerely yours,

HENRY P. CHANDLER.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,  
Washington, D. C., March 8, 1956.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN CELLER: Supplementing my letter to you of February 20, 1956, in reference to a bill which would waive the requirement of section 142 of title 28 of the United States Code that "court shall be held only at places where Federal quarters and accommodations are available, or suitable quarters and accommodations are furnished without cost to the United States" in reference to the holding of the District Court for the Western District of North Carolina at Bryson City in that State (H. R. 9137), I would say that the Judicial Council of the Fourth Circuit, consisting of the judges of the Court of Appeals for that circuit acting in an administrative capacity under section 332 of title 28 of the United States Code, has by order expressed its approval of the bill mentioned and of waiving the requirement of section 142 of title 28 of the United States Code with respect to the holding of court by the United States District Court for the Western District of North Carolina in Bryson City, N. C.

With kind regards, I am,  
Sincerely yours,

HENRY P. CHANDLER.

MARCH 16, 1956.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 9137) to waive section 142, of title 28, United States Code, with respect to the United States District Court for the Western District of North Carolina holding court at Bryson City, N. C.

Section 142 of title 28 United States Code provides that "court shall be held only at places where Federal quarters and accommodations are available, or suitable quarters and accommodations are furnished without cost to the United States."

The bill would provide that the limitations and restrictions contained in section 142 shall be waived insofar as pertains to holding court in Bryson City, N. C.

The Department of Justice is not aware of any reason why Bryson City should be excepted from the operation of section 142. It is assumed, however, that the committee will obtain the views of the Administrative Office of the United States Courts concerning the proposal.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,  
*Deputy Attorney General.*

ADMINISTRATIVE HISTORY OF THE NEW YORK CITY WATER SUPPLY

FROM 1890 TO 1900

The history of the water supply of New York City is a story of constant struggle and progress. It begins with the early days of the city, when the water was drawn from the wells of the city and the surrounding country. As the city grew, the water supply became more and more inadequate, and the city was forced to look for new sources of water. The first step was to build a system of aqueducts, which brought water from the surrounding country to the city. This was followed by the construction of a system of reservoirs, which stored water for use during the summer months. The city then built a system of pipes and pumps, which distributed the water to the city. The result was a system of water supply that was able to meet the needs of the city for many years.

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